

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

LENTON EASON,

Appellant

v.

TREASURER OF THE STATE OF MISSOURI –  
CUSTODIAN OF THE SECOND INJURY FUND.

Respondent

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DOCKET NUMBER WD74209

DATE: May 22, 2012

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Appeal From:

Labor and Industrial Relations Commission

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Appellate Judges:

Division One

Joseph M. Ellis, P.J., James Edward Welsh, and Alok Ahuja, JJ.

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Attorneys:

Daniel Doyle, Overland Park, KS

Counsel for Appellant,

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Attorneys:

Jeremiah Morgan, Jefferson City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**LENTON EASON, Appellant, v. TREASURER OF THE  
STATE OF MISSOURI - CUSTODIAN OF THE SECOND  
INJURY FUND, Respondent**

**WD74209**

**Labor and Industrial Relations Commission**

Before Division One Judges: Ellis, P.J., Welsh, and Ahuja, JJ.

Lenton Eason appeals the Labor and Industrial Relations Commission's denial of pre-award interest, against the Second Injury Fund, on medical expenses stemming from an employment related injury. Eason contends that section 408.020, RSMo Cum. Supp. 2011, mandates pre-award interest per this court's decision in *McCormack v. Stewart Enterprises*, 956 S.W.2d 310 (Mo. App. 1997).

**REVERSED AND REMANDED**

**Division One holds:**

The Labor and Industrial Relations Commission erred in denying Eason pre-award interest, against the Second Injury Fund, on medical expenses stemming from an employment related injury. Liberal statutory construction allows for application of the general interest statutes per *McCormack v. Stewart Enterprises*. Therefore, the Second Injury Fund is liable for pre-award interest on Eason's medical expenses from the date Eason added the Treasurer as a party to his claim.

Opinion by James Edward Welsh, Judge

May 22, 2012

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